

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent Application of:
Fu et al.

Docket No.: PF112P3D1C1

Application No.: 09/935,726

Confirmation No.: 3533

Filed: August 24, 2001

Art Unit: 1647

For: Vascular Endothelial Growth Factor 2

Examiner: R. Landsman

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Human Genome Sciences, Inc. ("HGS") is the assignee of the entire right, title and interest in and to the instant application by virtue of an assignment of the priority U.S. Application No. 09/042,105, filed March 13, 1998, recorded in the U.S. Patent and Trademark Office on June 9, 1998, at Reel 9247, Frame 0448. HGS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,932,540. HGS hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 5,932,540 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

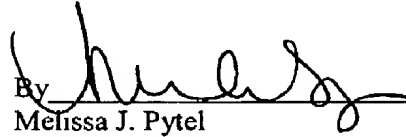
In making the above disclaimer, HGS does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of U.S. Patent No. 5,932,540, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in the instant application. Pursuant to 37 C.F.R. §§ 1.321(b)(4) and § 1.20(d), the Commissioner is hereby authorized to charge required fee of

\$110.00 to our Deposit Account No. 08-3425, as indicated on the Fee Transmittal Sheet submitted concurrently herewith.

Dated: May 7, 2004

Respectfully submitted,

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